

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-2206 of 2021(O&M)
Date of Decision: December 22, 2021

Nirmal Singh and others

...Petitioner

Versus

Surinder Singh Dhillon Collector (Panchayat Land)-
cum-DDPO Patiala and others

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Vikas Mehsempuri, Advocate for the petitioner.

Ms.Deepali Puri, Addl.A.G. Punjab.

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HARINDER SINGH SIDHU, J.

This is a contempt petition alleging willful and intentional disobedience of the order dated 28.04.2021 (Annexure P-9) passed by this Court in CWP-PIL-77-2021 titled "Court on its own motion V. Union of India and others".

It is the case of the petitioners that the following directions given by this Court in the aforesaid writ petition have been disobeyed:-

“(ix) that the State Governments, Union Territory, Chandigarh, or any of its Departments or any Municipal Corporation / Council / Board or any Gram Panchayat or any other local body or any other agency and instrumentality of the State shall not take any action for eviction and demolition in respect of any property, over which any citizen or person or party or any Body Corporate, has physical or symbolic possession as on today till 30th June, 2021;”

Thereafter, vide order dated 23.09.2021, the aforesaid directions were extended till 15.11.2021.

Factual background of the case, as detailed in the petition, is that the petitioners had filed a petition under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 titled as “Nirmal Singh and others V. Gram Panchayat of village Naraingarh Basawa Singh Wala” before Director, Land Records, Punjab, Jalandhar pleading that they were owners of 2500/113446 share as per entries of *Khasra Khatauni Istemal* but the share has been wrongly entered as 1500/113446 in *Khatauni Pamaish*. The said petition was allowed on 21.05.2007 and the case was remanded to the District Revenue Officer-cum-Consolidation Officer, Patiala. The lis between the parties remained pending before one Forum or the other.

It is the case of the petitioners that during the pendency of the litigation inter-se the petitioners and the Gram Panchayat, respondent No.1 Collector-cum-DDPO Patiala in a petition filed by the Gram Panchayat under Sections 4 and 5 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 has passed orders dated 14.09.2021 and 17.09.2021 for issuance of warrant of possession which is in violation of the order dated 28.04.2021 referred to above.

Heard Ld. counsel for the parties and perused the paper-book.

It is the case of the petitioners that they have challenged the order dated 14.09.2021 passed by respondent No.1 before the Joint Development Commissioner, Punjab, Mohali.

On a specific question, as to whether the petitioners have been evicted in furtherance of the order dated 14.09.2021, Ld. Counsel for the petitioner has answered in negative.

In the above circumstances, when only a procedural order of warrant of possession has been passed by an authority, but admittedly, in furtherance

thereof, the petitioners have not been evicted from the disputed site, there appears no ground to initiate contempt proceedings in the matter.

Petition stands disposed of accordingly.

December 22, 2021

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(HARINDER SINGH SIDHU)

JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No